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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,506	08/05/2003	Michael Satow	07444.0001-01	5212

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EXAMINER
GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
3692	

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/633,506	SATOW ET AL.	
	Examiner	Art Unit	
	Clement B. Graham	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 August 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1-49 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Martyn (US patent 6,195,647) in view of Zusman (US Patent 5,987,432) and May (US Patent 6,421,653).

As per claims 1-8, Martyn discloses an automated method, for trading stocks the method comprising:

accessing a trading system database to retrieve the open trade order information of trades placed by non-institutional users to be executed in real-time (Database and System - Col. 4, line 18; Open trade order information - Col. I, lines 59-61; Non-institutional users - Col. 3, lines 45-47; Real time - Col. 5, lines 51-53);

retrieving the open trade order information from the trading system database (Col. 9, lines 47-54); and

Martyn to explicitly teach exchange trading operations which are "outside of exchange hours";

the sending of open order information over the internet to a user and/or to multiple users and to an Internet web site;

However, Zusman discloses trading operations which are "outside of exchange hours" (Col. 4, lines 2-37).

May discloses a method, computer-readable medium and data processing system of claims 9-11, wherein sending the open order information includes: sending she open order information over the Internet to multiple users (Col. 6, lines 31-37).

Accordingly, it would have been obvious to an ordinary practitioner of the art presented in this application that an automated method, a computer readable medium and a data

processing system for publishing real-time stock trading information from a computerized stock trading system to combine the disclosures of Zusman and May with those of Martyn for the purpose of offering a real time 24 hour per day securities trading system to users.

As per claims 9-14, Martyn discloses an automated method, for publishing real-time stock trading information from a computerized stock trading system, the stock trading information including open trade order information regarding open trade orders that have not been matched in the trading system, the method comprising:

accessing a trading system database to retrieve the open trade order information of trades placed by non-institutional users to be executed in real-time (Database and System - Col. 4, line 18; Open trade order information - Col. I, lines 59-61; Non-institutional users - Col. 3, lines 45-47; Real time - Col. 5, lines 51-53);

retrieving the open trade order information from the trading system database (Col. 9, lines 47-54); and

Martyn to explicitly teach exchange trading operations which are "outside of exchange hours";

the sending of open order information over the internet to a user and/or to multiple users and to an Internet web site;

However, Zusman discloses trading operations which are "outside of exchange hours" (Col. 4, lines 2-37).

May discloses a method, computer-readable medium and data processing system of claims 9-11, wherein sending the open order information includes: sending she open order information over the Internet to multiple users (Col. 6, lines 31-37).

Accordingly, it would have been obvious to an ordinary practitioner of the art presented in this application that an automated method, a computer readable medium and a data processing system for publishing real-time stock trading information from a computerized stock trading system to combine the disclosures of Zusman and May with those of Martyn for the purpose of offering a real time 24 hour per day securities trading system to users.

As per claims15-16, Martyn discloses an automated method, for trading stocks comprising:

accessing a trading system database to retrieve the open trade order information of trades placed by non-institutional users to be executed in real-time (Database and System - Col. 4, line 18; Open trade order information - Col. I, lines 59-61; Non-institutional users - Col. 3, lines 45-47; Real time - Col. 5, lines 51-53);

retrieving the open trade order information from the trading system database (Col. 9, lines 47-54); and

Martyn to explicitly teach exchange trading operations which are "outside of exchange hours";

the sending of open order information over the internet to a user and/or to multiple users and to an Internet web site;

However, Zusman discloses trading operations which are "outside of exchange hours" (Col. 4, lines 2-37).

May discloses a method, computer-readable medium and data processing system of claims 1-11, wherein sending the open order information includes: sending she open order information over the Internet to multiple users (Col. 6, lines 31-37).

Accordingly, it would have been obvious to an ordinary practitioner of the art presented in this application that an automated method, a computer readable medium and a data processing system for publishing real-time stock trading information from a computerized stock trading system to combine the disclosures of Zusman and May with those of Martyn for the purpose of offering a real time 24 hour per day securities trading system to users.

As per claims 17-19, Martyn discloses an automated method, for trading stocks comprising:

accessing a trading system database to retrieve the open trade order information of trades placed by non-institutional users to be executed in real-time (Database and System - Col. 4, line 18; Open trade order information - Col. I, lines 59-61; Non-institutional users - Col. 3, lines 45-47; Real time - Col. 5, lines 51-53);

retrieving the open trade order information from the trading system database (Col. 9, lines 47-54); and

Martyn to explicitly teach exchange trading operations which are "outside of exchange hours";

the sending of open order information over the internet to a user and/or to multiple users and to an Internet web site;

However, Zusman discloses trading operations which are "outside of exchange hours" (Col. 4, lines 2-37).

May discloses a method, computer-readable medium and data processing system of claims 1-11, wherein sending the open order information includes: sending she open order information over the Internet to multiple users (Col. 6, lines 31-37).

Accordingly, it would have been obvious to an ordinary practitioner of the art presented in this application that an automated method, a computer readable medium and a data processing system for publishing real-time stock trading information from a computerized stock trading system to combine the disclosures of Zusman and May with those of Martyn for the purpose of offering a real time 24 hour per day securities trading system to users.

As per claims 20-29, Martyn discloses an automated method, for trading stocks comprising:

accessing a trading system database to retrieve the open trade order information of trades placed by non-institutional users to be executed in real-time (Database and System - Col. 4, line 18; Open trade order information - Col. I, lines 59-61; Non-institutional users - Col. 3, lines 45-47; Real time - Col. 5, lines 51-53);

retrieving the open trade order information from the trading system database (Col. 9, lines 47-54); and

Martyn to explicitly teach exchange trading operations which are "outside of exchange hours";

the sending of open order information over the internet to a user and/or to multiple users and to an Internet web site;

However, Zusman discloses trading operations which are "outside of exchange hours" (Col. 4, lines 2-37).

May discloses a method, computer-readable medium and data processing system of claims 1-11, wherein sending the open order information includes: sending she open order information over the Internet to multiple users (Col. 6, lines 31-37).

Accordingly, it would have been obvious to an ordinary practitioner of the art presented in this application that an automated method, a computer readable medium and a data processing system for publishing real-time stock trading information from a computerized stock trading system to combine the disclosures of Zusman and May with those of Martyn for the purpose of offering a real time 24 hour per day securities trading system to users.

As per claims 30-35, Martyn discloses an automated method, a computer readable medium and a data processing system for publishing real-time stock trading information from a computerized stock trading system, the stock trading information including open trade order information regarding open trade orders that have not been matched in the trading system, the method comprising:

accessing a trading system database to retrieve the open trade order information of trades placed by non-institutional users to be executed in real-time (Database and System - Col. 4, line 18; Open trade order information - Col. I, lines 59-61; Non-institutional users - Col. 3, lines 45-47; Real time - Col. 5, lines 51-53);

retrieving the open trade order information from the trading system database (Col. 9, lines 47-54); and

Martyn to explicitly teach exchange trading operations which are "outside of exchange hours";

the sending of open order information over the internet to a user and/or to multiple users and to an Internet web site;

However, Zusman discloses trading operations which are "outside of exchange hours" (Col. 4, lines 2-37).

May discloses a method, computer-readable medium and data processing system of claims 1-11, wherein sending the open order information includes: sending she open order information over the Internet to multiple users (Col. 6, lines 31-37).
Accordingly, it would have been obvious to an ordinary practitioner of the art presented in this application that an automated method, a computer readable medium and a data processing system for publishing real-time stock trading information from a computerized stock trading system to combine the disclosures of Zusman and May with those of Martyn for the purpose of offering a real time 24 hour per day securities trading system to users.

As per claims 36-37, Martyn discloses an automated method, a computer readable medium and a data processing system for publishing real-time stock trading information from a computerized stock trading system, the stock trading information including open trade order information regarding open trade orders that have not been matched in the trading system, the method comprising:
accessing a trading system database to retrieve the open trade order information of trades placed by non-institutional users to be executed in real-time (Database and System - Col. 4, line 18; Open trade order information - Col. I, lines 59-61; Non-institutional users - Col. 3, lines 45-47; Real time - Col. 5, lines 51-53);
retrieving the open trade order information from the trading system database (Col. 9, lines 47-54); and
Martyn to explicitly teach exchange trading operations which are "outside of exchange hours";
the sending of open order information over the internet to a user and/or to multiple users and to an Internet web site;
However, Zusman discloses trading operations which are "outside of exchange hours" (Col. 4, lines 2-37).
May discloses a method, computer-readable medium and data processing system of claims 1-11, wherein sending the open order information includes: sending she open order information over the Internet to multiple users (Col. 6, lines 31-37).

Accordingly, it would have been obvious to an ordinary practitioner of the art presented in this application that an automated method, a computer readable medium and a data processing system for publishing real-time stock trading information from a computerized stock trading system to combine the disclosures of Zusman and May with those of Martyn for the purpose of offering a real time 24 hour per day securities trading system to users.

As per claims 38-40, Martyn discloses an automated method, a computer readable medium and a data processing system for publishing real-time stock trading information from a computerized stock trading system, the stock trading information including open trade order information regarding open trade orders that have not been matched in the trading system, the method comprising:

accessing a trading system database to retrieve the open trade order information of trades placed by non-institutional users to be executed in real-time (Database and System - Col. 4, line 18; Open trade order information - Col. I, lines 59-61; Non-institutional users - Col. 3, lines 45-47; Real time - Col. 5, lines 51-53);

retrieving the open trade order information from the trading system database (Col. 9, lines 47-54); and

Martyn to explicitly teach exchange trading operations which are "outside of exchange hours";

the sending of open order information over the internet to a user and/or to multiple users and to an Internet web site;

However, Zusman discloses trading operations which are "outside of exchange hours" (Col. 4, lines 2-37).

May discloses a method, computer-readable medium and data processing system of claims 1-11, wherein sending the open order information includes: sending she open order information over the Internet to multiple users (Col. 6, lines 31-37).

Accordingly, it would have been obvious to an ordinary practitioner of the art presented in this application that an automated method, a computer readable medium and a data processing system for publishing real-time stock trading information from a computerized stock trading system to combine the disclosures of Zusman and May with

those of Martyn for the purpose of offering a real time 24 hour per day securities trading system to users.

As per claims 41-45, Martyn discloses an automated method, a computer readable medium and a data processing system for publishing real-time stock trading information from a computerized stock trading system, the stock trading information including open trade order information regarding open trade orders that have not been matched in the trading system, the method comprising:
accessing a trading system database to retrieve the open trade order information of trades placed by non-institutional users to be executed in real-time (Database and System - Col. 4, line 18; Open trade order information - Col. I, lines 59-61; Non-institutional users - Col. 3, lines 45-47; Real time - Col. 5, lines 51-53);
retrieving the open trade order information from the trading system database (Col. 9, lines 47-54); and
Martyn to explicitly teach exchange trading operations which are "outside of exchange hours";
the sending of open order information over the internet to a user and/or to multiple users and to an Internet web site;
However, Zusman discloses trading operations which are "outside of exchange hours" (Col. 4, lines 2-37).
May discloses a method, computer-readable medium and data processing system of claims 1-11, wherein sending the open order information includes: sending she open order information over the Internet to multiple users (Col. 6, lines 31-37).
Accordingly, it would have been obvious to an ordinary practitioner of the art presented in this application that an automated method, a computer readable medium and a data processing system for publishing real-time stock trading information from a computerized stock trading system to combine the disclosures of Zusman and May with those of Martyn for the purpose of offering a real time 24 hour per day securities trading system to users.

As per claims 46-49, Martyn discloses an automated method, a computer readable medium and a data processing system for publishing real-time stock trading

information from a computerized stock trading system, the stock trading information including open trade order information regarding open trade orders that have not been matched in the trading system, the method comprising:
accessing a trading system database to retrieve the open trade order information of trades placed by non-institutional users to be executed in real-time (Database and System - Col. 4, line 18; Open trade order information - Col. I, lines 59-61; Non-institutional users - Col. 3, lines 45-47; Real time - Col. 5, lines 51-53);
retrieving the open trade order information from the trading system database (Col. 9, lines 47-54); and
Martyn to explicitly teach exchange trading operations which are "outside of exchange hours";
the sending of open order information over the internet to a user and/or to multiple users and to an Internet web site;
However, Zusman discloses trading operations which are "outside of exchange hours" (Col. 4, lines 2-37).
May discloses a method, computer-readable medium and data processing system of claims 1-11, wherein sending the open order information includes: sending she open order information over the Internet to multiple users (Col. 6, lines 31-37).
Accordingly, it would have been obvious to an ordinary practitioner of the art presented in this application that an automated method, a computer readable medium and a data processing system for publishing real-time stock trading information from a computerized stock trading system to combine the disclosures of Zusman and May with those of Martyn for the purpose of offering a real time 24 hour per day securities trading system to users.

CONCLUSION

3 The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Getchius et al (US 6,393,415 Patent) teaches adaptive partitioning techniques in performing query request and routing.

Ginter et al (US Patent 5,892,900) teaches system and methods for secure transaction management and electronic rights protection..

Roberta et al (US Patent 6,292,788) teaches methods of investment instruments for prtforming tan deferred real estate exchanges.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Sept 19, 2006

FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628